

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BENNIE A. COOPER, JR.,)
)
Plaintiff)
)
vs.) No. CIV-06-881-C
)
DALE CAGLE, et al.,)
)
Defendants)

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on August 30, 2007. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted, Defendants' Motions to Dismiss (Dkt. Nos. 54, 56, and 66) are granted. Plaintiff's claim for compensatory damages and Plaintiff's claim for punitive damages against Defendants in their official capacities are dismissed for failure to state a claim upon which relief may be granted unless, within 20 days of this Order, Plaintiff files a second amended complaint correcting the deficiencies in his pleading. Plaintiff's claim for declaratory relief is dismissed as moot and Plaintiff's Motion for Order Directing Return of Legal Materials (Dkt. No. 83) is denied.

IT IS SO ORDERED this 27th day of September, 2007.



ROBIN J. CAUTHRON
United States District Judge